

Austin, Texas,  
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 41 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 176 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
April 24, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 194 carefully examined, compared and read, and find same correctly en-grossed.

LANNING, Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 443 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 326 carefully examined, compared and read, and find same correctly en-rolled.

STONE of Galveston, Chairman.

#### FIFTY-EIGHTH DAY

(Wednesday, April 26, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Winfield

Absent—Excused

Weinert

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence Granted

Senator Weinert was granted leave of absence for today on account of important business, on motion of Senator Pace.

#### Reports of Standing Committee

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 612, A bill to be entitled "An Act amending Article 600a of Vernon's Revised Civil Statutes of Texas, 1925, such Article being the Acts of 1935, Forty-fourth Legislature, Page 255, Chapter 100, by adding another Section to Article 600a to be known as Section 33a; providing that every sale or contract of sale of any security in violation of any provision of Chapter 100 of the General Laws of Texas, 1935, shall be voidable at the election of the purchaser;

providing how the purchaser may recover at law; providing the time that such cause of action may be brought; providing an exception thereto when the purchase price is a royalty or a mineral interest in land and such security is unregistered or sold through an unregistered agent; providing the time when any existing cause of action not now barred may be brought; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. C. R. No. 58, House Concurrent Resolution requesting the Supreme Court to promulgate a District Court Rule in the form of Federal Rule 16 adopted by the United States Federal Courts,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 679, A bill to be entitled "An Act to amend Article 7255 of the Revised Civil Statutes of Texas of 1925, by providing that the Commissioners' Court of a county may order the Tax Assessor and Collector of said county to post notices in each voting or justice precinct in said county of the date when said Assessor and Collector of taxes will meet with taxpayers in said precinct for the purpose of receiving taxes; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 956, A bill to be entitled "An Act amending Article 1322 of the Revised Civil Statutes of the State of Texas, 1925, relating to the execution of deeds by corporations; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 865, A bill to be entitled "An Act amending Article 3985 of the Revised Civil Statutes of the State of Texas of 1925, so that default judgment may be taken in Justice Court in Forcible Entry and Detainer proceedings; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 344, A bill to be entitled "An Act defining publication, newspaper, political subdivision, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a minimum and a maximum charge for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; enacting provisions relative to notice when advertising not accepted by newspapers; repealing conflicting provisions of Arts. 3, 29, 1154, 3808, 4203, 7206, 7276, and 7342 of the Revised Civil Statutes of Texas, and

of Acts of 1925, Thirty-ninth Legislature, Ch. 161, Sections 2 through 6, and of Acts of 1933, Forty-third Legislature, First Called Session, Ch. 84, Sec. 1, and of Acts of 1937, Forty-fifth Legislature, Ch. 506; repealing all parts of laws in conflict; providing a rule of construction; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 864, A bill to be entitled "An Act amending Article 3991 of the Revised Civil Statutes of the State of Texas of 1925, so that default judgment may be taken in Justice Court or County Court in Forcible Entry and Detainer proceedings; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 387, A bill to be entitled "An Act to amend Art. 1970-314, Revised Civil Statutes of Texas, 1925, by diminishing the jurisdiction of the County Court of Red River County, Texas, in certain criminal cases; and conforming the jurisdiction of the District Court of such County to such change; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

#### Bills and Resolution Signed

The President signed, in the presence of the Senate, after their cap-

tions had been read, the following enrolled bills and resolution:

S. B. No. 221, "An Act amending Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as subdivision 104, providing for the creation of private corporations for the purpose of processing, scouring, buying and selling wool, hair, and mohair, for profit, and declaring an emergency."

H. B. No. 604, "An Act to amend Chapter 33 of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, as amended, so as to make certain provisions with respect to the authorization and issuance of revenue bonds and notes by cities having more than one hundred and sixty thousand (160,000) inhabitants, and declaring an emergency."

H. B. No. 613, "An Act amending Sections 8 and 21, Chapter 41 of the Acts of the Fortieth Legislature, First Called Session, so as to require physical marks of identification in deaths of nonresident persons, also finger prints of the deceased; and so as to require the State Registrar to enter into an agreement with the Bureau of the Census for the franking privilege, and the blanks furnished by the United States Census Bureau, and that the transcripts made for the United States Census Bureau to be made under the direction of the State Registrar, and for the issuance of photostatic copies to service men, their widows and orphans free of cost; and declaring an emergency."

H. C. R. No. 113, Appointing a committee to investigate the possibility of erecting a State office building with the available cash of the Permanent School Fund.

#### Committee Substitute for House Bill 640 on Passage to Third Reading

(Unfinished Business)

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on Thursday, April 20, 1939):

Committee Substitute H. B. No. 640, A bill to be entitled "An Act providing that the Supreme Court may grant certain attorneys who have practiced law in a State of the United

States for a period of 20 years and hold a license to practice law before the Supreme Court of the United States a license to practice in the State without taking the bar examinations, etc., and declaring an emergency."

With the following amendment by Senator Small and amendment by Senator Hill to the amendment pending:

#### Amendment

Amend H. B. No. 640 by striking out Section 2 thereof and inserting in lieu the following:

"Section 2. Any citizen of this State, having served twelve (12) consecutive years as a member of the Legislature of this State immediately before presenting himself for examination and having given thirty (30) days notice to the Clerk of the Supreme Court of his intention to be examined and having satisfactorily passed an examination given him by the Supreme Court, or by such agency as the Court may direct, and having furnished such evidence of moral character as the Court may require, may be issued a license to practice law in this State."

#### Amendment to the Amendment

Amend the amendment by inserting after the word "State": "or who has served 8 years as County Judge".

On motion of Senator Pace and by unanimous consent, the action of the Senate in ordering the main question on the amendments and the bill was rescinded.

The amendments then were withdrawn.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 640 by striking out Section 2 thereof and inserting in lieu the following:

"Section 2. Membership in the Texas Legislature for twelve (12) consecutive years immediately prior to making application to take the bar examination shall be considered equivalent to the pre-legal study and training and study of the law required under Article 306 R. C. S., 1925, as a prerequisite to taking the regular examination for license to practice law and may be substituted in lieu thereof, provided the applicant meets all requirements of the Su-

preme Court relative to moral character; and any person complying with the above is declared to be eligible to take such examination for license to practice law. In such cases thirty (30) days written notice of intention to take the bar examination, directed and delivered to the Clerk of the Supreme Court of Texas, shall be sufficient notice."

Senator Hill offered the following amendment to the amendment:

Amend Moore amendment by striking out the word "immediately."

HILL,  
COLLIE.

Senator Hardin moved the previous question on the amendments and the passage of the bill to third reading, and the motion was duly seconded.

The main question then was ordered by the following vote:

#### Yeas—16

Brownlee	Roberts
Burns	Shivers
Cotten	Small
Graves	Stone
Hardin	of Galveston
Kelley	Stone
Martin	of Washington
Pace	Van Zandt
Redditt	Winfield

#### Nays—10

Aikin	Metcalf
Hill	Moffett
Isbell	Nelson
Lanning	Spears
Lemens	Sulak

#### Present—Not Voting

Moore

#### Absent

Beck	Head
Collie	

#### Absent—Excused

Weinert

Question first recurring on the amendment to the amendment, yeas and nays were demanded.

The amendment to the amendment was adopted by the following vote:

#### Yeas—15

Aikin	Graves
Brownlee	Hill
Collie	Isbell

Lanning  
Martin  
Metcalf  
Moffett  
Nelson

Nays—12

Cotten  
Hardin  
Kelley  
Lemens  
Moore  
Pace  
Redditt

Absent

Beck  
Burns

Absent—Excused

Weinert

Question next recurring on the amendment as amended, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—24

Aikin  
Brownlee  
Collie  
Cotten  
Graves  
Hardin  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moore

Nays—2

Hill  
Sulak

Present—Not Voting

Moffett

Absent

Beck  
Burns

Absent—Excused

Weinert

On motion of Senator Martin and by unanimous consent, the caption was amended to conform to the changes in the body of the bill.

Committee Substitute H. B. No. 640 then was passed to third reading.

Committee Substitute House Bill No. 640 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be

Small  
Spears  
Sulak  
Winfield

read on three several days be suspended and that Committee Substitute H. B. No. 640 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin  
Brownlee  
Burns  
Collie  
Cotten  
Graves  
Hardin  
Isbell  
Kelley  
Lanning  
Lemens  
Martin  
Metcalf  
Moore

Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Winfield

Nays—2

Hill  
Nelson

Present—Not Voting

Moffett

Absent

Beck  
Head

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Hardin moved the previous question on the passage of the bill, and the motion was duly seconded.

The Senate ordered the main question at this time by the following vote:

Yeas—18

Brownlee  
Collie  
Cotten  
Hardin  
Isbell  
Kelley  
Lemens  
Moore  
Pace  
Redditt

Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston  
Stone  
of Washington  
Van Zandt  
Winfield

Nays—7

Aikin  
Graves  
Hill  
Lanning

Metcalf  
Nelson  
Sulak

**Present—Not Voting**

Moffett

**Absent**Beck  
BurnsHead  
Martin**Absent—Excused**

Weinert

The bill then was passed by the following vote:

**Yeas—25**

Aikin	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Van Zandt
Martin	Winfield
Metcalfe	

**Nays—3**

Hill	Sulak
Nelson	

**Present—Not Voting**

Moffett

**Absent**

Beck

**Absent—Excused**

Weinert

**Reports of Standing Committee**

Senator Shivers, by unanimous consent, submitted at this time the following reports of the Committee on State Affairs:

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 16, by Colquitt et al., A bill to be entitled "An Act providing that on and after the effective date of this Act, delinquent taxpayers shall be permitted to pay such taxes in partial payments; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 72, by Harp, Granting L. L. White, his heirs, executors, and administrators permission to bring suit against the State of Texas and the Highway Commission of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and be not printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 38, by Burns, A bill to be entitled "An Act to amend Article 4553, Chapter Ten (10), Title Seventy-one (71) of the Revised Civil Statutes of Texas, 1925, as amended by Section One (1) of Chapter Seven (7), Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter Ten (10) Title Seventy-one (71) of the Revised Civil Statutes of Texas, 1925, and Chapter Five (5), Title Twelve (12) of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter Five (5), Title Twelve (12) of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute hereto attached do pass in lieu of the original bill and be printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 466, by Baker of Fort Bend, A bill to be entitled "An Act exempting from all State and County

ad valorem and occupation taxes certain office buildings of the Texas Congress of Parents and Teachers; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 934, A bill to be entitled "An Act providing for the consolidation of corporations organized under Subdivision 81 of Article 1302 of the Revised Civil Statutes of Texas of 1925, or any amendment thereof; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 456, A bill to be entitled "An Act amending Article 7345, Chapter 10, Title 122, Revised Civil Statutes of the State of Texas, of 1925 as amended by Acts of the Forty-third Legislature, First Called Session, 1933, Page 271, Chapter 98, as amended by Acts of the Forty-fourth Legislature, 1935, Page 415, Chapter 165, Section 1 as amended by Senate Bill No. 477, Acts of the Forty-fifth Legislature, 1937, as amended by House Bill No. 456, Acts of the Forty-fifth Legislature, 1937, by adding thereto a new Article to be numbered 7345d, conferring on Commissioners' Courts the power to reopen and consider any assessment for taxes, whether on the rendered or unrendered rolls, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 174, by Brownlee, A bill to be entitled "An Act regulating and controlling the business or occupation, and those engaged in the business or occupation of Painting, Decorating or Paperhanging, etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 90, by Colquitt, Permitting E. L. Martin to bring suit against the Texas Highway Commission and the State of Texas,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and be not printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 89, by Bailey, Granting permission to Tilford Moore to sue the State of Texas and/or State Highway Department,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1 and be not printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 433, by Nelson, A bill to be

entitled "An Act to enable common school districts in each county of Texas having a population of not less than eleven thousand twenty-one (11,021) nor more than eleven thousand fifty (11,050) according to the latest Federal Census, to vote bonds, levy taxes for the same, for the purpose of purchasing not more than one school bus, or one school bus body, or one school bus chassis; repealing all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 987, by Pevehouse and Taylor, A bill to be entitled "An Act to create and establish a perpetual, public charitable, nonprofit Body Corporate, to be denominated 'Navarro Community Foundation,' domiciled at Corsicana, Navarro County, Texas, of which Frank Neal Drane, now deceased, was the initial patron-donor; naming the trustees of said Foundation; etc.,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 580, by Morris, A bill to be entitled "An Act authorizing and empowering any city to issue its negotiable bonds, payable from revenues other than taxation, for the purchase, construction, repair, improvement, extension, or enlargement of its water system, sanitary sewer system, natural gas system, or electric light and power system, the purchase of additional water powers, lands for reservoirs, sewage disposal plants, and other water or sewer

purposes, etc.; providing that such bonds shall not be issued unless the proposition is first submitted to and authorized by a majority of the qualified voters who own taxable property in such city etc.; etc.; authorizing the governing body of any such city to create additional indebtedness etc., but the lien of such additional bonds shall be junior and subordinate to the lien of the bonds or obligations then outstanding against such system; etc.; validating revenue bonds etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice Chairman.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 54, A bill to be entitled "An Act amending Article 2654 of the Revised Civil Statutes of 1925, as amended by Chapter 52, of the Acts of the Second Called Session of the Forty-first Legislature, by adding thereto a new article, to be known as Article 2654e, authorizing and directing the governing boards of the several institutions of collegiate rank, supported in whole or in part by public funds appropriated from the State Treasury, to except and exempt certain students from other nations of this continent from the payment of all dues, fees and charges; providing that the foregoing exemption shall not be construed to apply to deposits, nor to fees or charges for lodging, board or clothing; requiring that applicants claiming the benefits of this exemption shall be bona fide students, duly certified to the heads of such institutions by the proper authorities from their native countries, and declaring an emergency." (With amendments.)

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.



**House Bill 851 on Passage to Third Reading**

(Postponed Business)

The President Pro Tempore laid before the Senate, as postponed business, on its passage to third reading (the bill having been read second time on Monday, April 24, 1939, and having been postponed on that day until Wednesday, April 26, 1939):

H. B. No. 851, A bill to be entitled "An Act amending Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1 of Chapter 15 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, so as to provide for the termination of the Act on September 1, 1941; providing all other Sections of the Act shall remain in full force and effect; providing all offenses, liabilities, penalties or forfeitures, civil or criminal incurred because of violation of said Act shall be instituted and proceeded with in all respects as if said Section 20 had read in its original enactment the same as provided for in this Act; providing the procedure prescribed in said Chapter 76 shall be followed in all prosecutions and suits now pending or hereafter instituted, and declaring an emergency."

The following point of order against further consideration of the bill, having been submitted in writing by Senator Burns April 24, 1939:

"Mr. President: I raise the following point of order against H. B. No. 851, now being considered by the Senate of the State of Texas, for the following reasons:

"That it violates Article 3, Section 36, of the Constitution of the State of Texas in that said Section of the Constitution provides 'No law shall be revived or amended by reference to its title; but in such case the Act revived, or the section or sections amended, shall be re-enacted and published at length.'"

"I further raise the point of order that Section 2 of the bill violates Article 3, Section 36 of the Constitution of the State of Texas in that said Section 2 attempts to re-enact and continue in full force and effect a criminal statute and the penalties, which is in violation of the above named article and section of the Constitution of the State of Texas, and

that all criminal prosecutions terminate and die with temporary statute."

Senator Hill asked unanimous consent of the Senate that the bill be tabled subject to call.

The President Pro Tempore announced there was objection to the request.

(Senator Shivers in the Chair temporarily.)

(President in the Chair.)

The President overruled the point of order submitted by Senator Burns.

Senator Burns asked that an indorsement be made on the bill to show that the point of order submitted by him was raised and was overruled.

Senator Moffett raised a point of order against the request of Senator Burns, on the ground that such indorsements are not permitted under the rules of the Senate.

The President sustained the point of order.

Senator Aikin moved that further consideration of the bill be postponed until 10:00 o'clock a. m., next Wednesday, May 3, 1939.

Senator Moffett moved the previous question on the motion to postpone and the passage of the bill to third reading, and the main question was ordered.

Question—Shall the motion to postpone prevail?

**Bills Signed**

The President signed in the presence of the Senate, the following enrolled bills:

H. B. No. 870, "An Act creating Road District No. 4, of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid thereof; making it a body corporate and taxing district; describing said District by metes and bounds; reciting that it comprises a portion of the territory of Road District No. 2, of said County, which has outstanding road bonds, and declaring that it is not intended

by the creation of Road District No. 4, to interfere in any manner with the functioning of said Road District No. 2; providing that such Road District shall have authority to issue bonds for the purpose of the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52, of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property taxpaying voters of said District; providing that such Road District shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, and amendments thereto; and declaring an emergency."

H. B. No. 981, "An Act repealing Section 5 of House Bill No. 1035, Acts of the Regular Session of the Forty-fifth Legislature regulating fishing in Wood County, and declaring an emergency."

H. B. No. 1004, "An Act providing and directing County Clerks, District Clerks, and other officials to issue certificates and certified copies of instruments in their respective offices to ex-service men of the World War and the Spanish-American War where such certificates and copies of instruments are necessary to be used in furthering claims and establishing proof of such ex-service men to such claims for compensation, and other claims to be established; defining ex-service men; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 871, "An Act creating Road District No. 5, of Tyler County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof, making it a body corporate and taxing district; describing said district by metes and bounds; reciting it comprises a portion of the territory of Road District No. 2, of said County

which has outstanding road bonds, and declaring that it is not intended by the creation of Road District No. 5, to interfere in any manner with the functioning of said Road District No. 2; providing that such road district shall have authority to issue bonds for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof and levy ad valorem taxes in payment thereof, as contemplated by Article 3, Section 52, of the Constitution of Texas, when authorized by two-thirds majority vote of the duly qualified resident property tax paying voters of said district; providing that such road district shall be governed in the matter of issuing bonds and levying ad valorem taxes in payment thereof as provided by the General Laws of Texas and particularly Chapter 16 of the General Laws enacted by the Thirty-ninth Legislature at its First Called Session, in 1926, and amendments thereto, and declaring an emergency."

H. B. No. 30, "An Act amending Chapter 10, Special Laws, Forty-fourth Legislature, enacted in the year A. D. 1935; and declaring an emergency."

H. B. No. 672, "An Act fixing salaries and compensation of County Commissioners in Counties with a population of not less than fourteen thousand, nine hundred and one (14,901) inhabitants nor more than sixteen thousand and one (16,001) inhabitants, according to the last Federal Census, as same now exists or may hereafter exist, and having an assessed valuation of not less than Seven Million, Four Hundred and Thirty-six Thousand (\$7,436,000.00) Dollars, nor more than Eight Million (\$8,000,000.00) Dollars, according to the last approved tax rolls, as same now exists or may hereafter exist; providing for the manner of payment of the salaries and the funds from which said salaries shall be paid; repealing all laws in conflict herewith, and declaring an emergency."

#### Messages from the Governor

The President laid before the Senate, and had read, the following messages from the Governor:

Austin, Texas,  
April 25, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

Complying with the request contained in S. C. R. No. 39, I am returning herewith S. B. No. 69 for further consideration.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
April 11, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the State Board of Nurse Examiners (terms beginning April 9, 1939):

Mrs. Buris W. Juenger of Houston, Harris County (reappointment);

Miss Lena Baker Thomas of Greenville, Hunt County (reappointment).

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
April 26, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Rio Grande Compact Commissioner (two-year term from date of qualifying):

Julian Harrison of El Paso, El Paso County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
April 24, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Members of the State Board of Veterinary Medical Examiners (terms beginning January 17, 1939):

Paul P. Bouriskie of Port Arthur, Jefferson County (reappointment);

A. C. Burns of Cleburne, Johnson County (reappointment);

M. A. Peck of Fort Worth, Tarrant County;

Archie Stalling of Houston, Harris County (reappointment);

P. P. Starr of Gainesville, Cooke County (reappointment);

O. E. Wolfe of Big Spring, Howard County (reappointment);

R. L. Rhea of San Antonio, Bexar County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
March 10, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate of the following appointments:

To be members of the Board of Commissioners of Pilots for the Sabine Pass (term beginning April 29, 1939):

W. W. Glass, Port Arthur, Jefferson County;

S. O. Latimer, Port Arthur, Jefferson County;

T. T. Hunt, Beaumont, Jefferson County;

J. P. Monaghan, Beaumont, Jefferson County;

L. W. Hustmyre, Orange, Orange County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
April 26, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Judge of the 127th Judicial District of Texas (to be effective April 26, 1939):

Kenneth McCalla of Houston, Harris County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
March 10, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I ask the advice, consent and con-

firmation of the Senate of the following appointments:

To be Members of the Board of Commissioners of Pilots for the Port of Galveston-Texas City (terms beginning April 15, 1939):

Robert I. Cohen, Galveston, Galveston County;

Peter M. Gengler, Galveston, Galveston County;

A. W. Purdy, Galveston, Galveston County;

J. H. Langhen, Galveston, Galveston County;

E. V. Rhodes, Texas City, Galveston County.

To be Branch Pilots for the Port of Galveston-Texas City (terms beginning April 15, 1939):

V. C. Amburn, Galveston, Galveston County;

J. J. Dalehite, Galveston, Galveston County;

W. A. Leech, Galveston, Galveston County;

Ralph Willoughby, Galveston, Galveston County;

A. M. Carlson, Galveston, Galveston County;

H. H. Haden, Galveston, Galveston County;

H. D. Wetmore, Galveston, Galveston County;

E. E. Lance, Galveston, Galveston County;

T. N. Wilroy, Galveston, Galveston County;

E. C. Goodwin, Galveston, Galveston County.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

The messages submitting nominations were referred to the Committee on Nominations of the Governor.

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted by the committee chairmen whose names are signed thereto:

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 700, A bill to be entitled "An Act providing that no newspaper, magazine, or other publication,

published daily, biweekly, weekly, monthly, or otherwise, shall sell, solicit, bargain for, offer, or accept political advertisements for money, other consideration, or favors, from more than one candidate for any or all political offices, unless such publication shall have been published and circulated generally for at least twelve (12) months next preceding the acceptance of such political advertisement; provided that this Act shall not apply to those newspapers meeting certain qualifications herein set out; providing a penalty for the breach of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 544, by Allison, A bill to be entitled "An Act validating the organization, creation, annexation, and/or change of boundaries of all school districts in counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand eight hundred and fifty (2,850), according to the last preceding Federal Census, including common school districts, independent school districts, consolidated school districts, all county-line school districts in which the school building is located in such counties having a population of not less than two thousand, seven hundred and fifty (2,750), and not more than two thousand, eight hundred and fifty (2,850), according to the last preceding Federal Census, rural high school districts, and all other school districts, groups or annexations of whole districts or parts of districts, whether created by General or Special Laws or by County Boards of Trustees; validating all proceedings and acts of said County Boards of Trustees and Boards of Trustees; etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 546, by Allison, A bill to be entitled "An Act amending Chapter 57, Local and Special Laws of the State of Texas, passed at the Third Called Session of the Thirty-sixth Legislature, by changing the name of Blythe County Line Independent School District in Gaines, Terry, and Yoakum Counties to Seagraves Independent School District; redefining the boundaries of said school district; providing that all outstanding bonded and other indebtedness of Blythe County Line Independent School District shall be validated and made a valid obligation against the Seagraves Independent School District; providing that title to all public free school property of said Blythe County Line Independent School District shall vest in said Seagraves Independent School District; providing that in all other respects the rights, powers, duties, and obligations imposed upon Blythe County Line Independent School District and its trustees shall not be affected in any manner; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,  
April 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 1001, A bill to be entitled "An Act conveying to the United States of America the free and uninterrupted use, liberty, and easement of, in, and to that certain area of three (3) miles square or larger in Nueces County Navigation District, in Nueces Bay, in Nueces County, Texas, for the erection and establishment of forts, military stations or

camps, magazines, arsenals, dock yards, barracks, light houses, navy yards, naval bases, naval air bases or stations, channels, approaches for battleships, or for other needful military purposes; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 943, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 6, 12, 21, 22 and to repeal Sections 5, 7, and 18 of an Act relating to the bonding and licensing of dealers in citrus fruit in the State of Texas and being H. B. No. 99 of the Acts of the Forty-fifth Legislature, as amended by S. B. No. 24 of the Acts of the First Called Session of the Forty-fifth Legislature; providing a saving clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

Recess

On motion of Senator Metcalfe, the Senate, at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

House Bill 286 on Second Reading

On motion of Senator Sulak and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 286 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 286, A bill to be entitled "An Act providing for the standardization of potatoes, tomatoes and other vegetables by means of the compulsory inspection, grading, classification and marking thereof under the authority of the Commissioner of Agriculture of the State of Texas; adopting the United States grades and standards for vegetables and authorizing the Commissioner to adopt other, different and additional standards not directly in conflict therewith; directing and empowering the Commissioner to establish, promulgate and publish rules and regulations to effectuate the terms and provisions of this Act; providing for the publication of rules and regulations of the Commissioner and appeal therefrom; prohibiting the Commissioner, his agents, inspectors and employees from engaging in the business of buying and/or selling vegetables; providing for inspection and certification of shipments of vegetables in and/or from the State of Texas; defining the terms 'inspectors and/or agents and/or employees' of the Commissioner; providing for the form of certification; authorizing the Commissioner to enter into cooperative agreements with the United States Department of Agriculture for the inspection and/or grading and/or certification of vegetables; providing for the expenses of the enforcement of this Act by means of contributions from growers and/or shippers of vegetables and/or by virtue of cooperative agreement between the Commissioner and the United States Department of Agriculture; providing that this law shall be self-financing and that no appropriation shall be required; etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

(President Pro Tempore Moore in the Chair.)

#### House Bill 286 on Third Reading

Senator Sulak moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 286 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Winfield

#### Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—24

Beck	Moore
Brownlee	Nelson
Collie	Pace
Graves	Redditt
Hardin	Roberts
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lemens	Sulak
Martin	Van Zandt
Metcalf	Winfield
Moffett	

#### Nays—6

Aikin	Shivers
Burns	Stone
Cotten	of Washington
Lanning	

#### Absent—Excused

Weinert

#### House Bill 363 on Passage to Third Reading

Senator Aikin moved to call H. B. No. 363 from the table, on its passage to third reading (the bill having been read second time and tabled subject to call on yesterday).

The motion prevailed.

The President Pro Tempore laid before the Senate on its passage to third reading:

H. B. No. 363, A bill to be entitled "An Act providing for instruction in Americanism and on the Constitution of the United States in all public and private schools located within this State, providing for supervision by the Superintendent of Public Instruction, providing for compulsory examination of students on Americanism and the Constitution of the United States, fixing a penalty for the willful neglect or failure on the part of the superintendent, principal or teacher to carry out the requirements of this Act and fixing the duty of the Superintendent of Public Instruction in carrying out the provisions hereof."

With (committee) amendment to the bill, offered by Senator Aikin, pending.

Senator Aikin offered the following substitute for the (committee) amendment:

Amend H. B. No. 363 by striking out all of Section 2 and inserting in lieu thereof a new Section 2, reading as follows:

"Section 2. In all State Universities and State-supported Colleges there shall be installed a Chair of Americanism, teaching a brief history of the Constitution, parliamentary law and the rise of representative government. This section shall not apply to State Universities or State-supported schools that are now complying with the law requiring the teaching of the Constitution, and that are teaching parliamentary law."

On motion of Senator Aikin and by unanimous consent, the bill was tabled subject to call.

#### House Bill 851 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 851, to continue in force the law regulating the production of oil, on its passage to third reading, with motion by Senator Aikin to postpone further consideration of the bill until 10:00 o'clock a. m. next Wednesday, May 3, 1939, pending.

Question—Shall the motion to postpone prevail?

Yeas and nays were demanded, and the motion to postpone was lost by the following vote:

#### Yeas—9

Aikin	Hill
Beck	Lemens
Burns	Sulak
Collie	Winfield
Head	

#### Nays—20

Brownlee	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Metcalf	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Van Zandt

#### Absent

Martin

#### Absent—Excused

Weinert

The bill then was passed to third reading.

#### House Bill 851 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 851 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—26

Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Metcalf	Sulak
Moffett	Van Zandt
Moore	Winfield

#### Nays—2

Aikin	Hill
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#### Absent

Head	Martin
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## Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—23

Brownlee	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Metcalf	of Washington
Moffett	Van Zandt
Moore	Winfield
Nelson	

## Nays—6

Aikin	Head
Beck	Hill
Burns	Sulak

## Absent

Martin

## Absent—Excused

Weinert

## House Bill 257 on Second Reading

Senator Roberts moved that the regular order of business be suspended to take up H. B. No. 257 on its second reading and passage to third reading.

The motion prevailed by the following vote:

## Yeas—21

Aikin	Lanning
Beck	Lemens
Brownlee	Metcalf
Burns	Moffett
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Sulak
Hill	Van Zandt
Isbell	

## Nays—7

Moore	Stone
Nelson	of Galveston
Small	Stone
Spears	of Washington
	Winfield

## Absent

Kelley

Martin

## Absent—Excused

Weinert

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 257, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1939, and ending August 31, 1941; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

The bill was read second time.

Senator Roberts offered an amendment to the bill.

On motion of Senator Roberts, a full reading of the amendment was dispensed with and it was ordered not printed in the Journal (since the text of the amendment is the same as the text of S. B. No. 403, which has been printed).

The amendment was adopted.

Senator Cotten offered the following amendment to the bill as amended:

Amend H. B. No. 257 by striking out Section 1A in line 45, page 3.

The amendment was adopted.

The bill was passed to third reading.

## House Bill 257 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 257 be placed on its third reading and final passage.

The motion prevailed by the following vote:



## Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Winfield

## Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Beck offered the following amendment to the bill:

Amend H. B. No. 257, page 4, lines 18, 19 and 20, to read as follows: 6 Judges of the Supreme Court of Commission of Appeals Section A and B, at a salary of \$6,500.00 each per year, making a total \$39,000.00.

The amendment was lost by the following vote:

## Yeas—9

Aikin	Metcalf
Beck	Pace
Burns	Shivers
Cotten	Sulak
Hardin	

## Nays—21

Brownlee	Nelson
Collie	Redditt
Graves	Roberts
Head	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Moffett	Winfield
Moore	

## Absent—Excused

Weinert

The bill then was passed.

## Record of Votes

Senators Sulak, Hill and Beck asked to be recorded as voting "nay" on the passage of the bill.

## Hour for Executive Session Set

On motion of Senator Shivers, and by unanimous consent, the Senate agreed to hold an executive session at 3:22 o'clock p. m. today, to consider nominations of the Governor.

## Executive Session

The President Pro Tempore, at 3:22 o'clock p. m., announced that the hour fixed for an executive session of the Senate had arrived.

The Sergeant-at-Arms was directed to clear the floor and galleries of all those not entitled to attend the executive session, and to close all doors leading from the Senate Chamber.

## After Executive Session

At the conclusion of the executive session, the Secretary of the Senate reported to the Journal Clerk that the Senate had adopted the following reports:

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Judge of the 127th Judicial District of Texas (to be effective April 26, 1939):

Kenneth McCalla of Houston, Harris County.

Have had same under consideration, and do recommend that he be in all things confirmed.

SHIVERS, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations of the Governor, to whom were referred the following nominations:

To be members of the State Board of Veterinary Medical Examiners (terms beginning January 17, 1939):

Paul P. Bouriskie, Port Arthur, Jefferson County (reappointment).

A. C. Burns of Cleburne, Johnson County (reappointment),

M. A. Peck of Fort Worth, Tarrant County,

Archie Stalling of Houston, Harris County (reappointment),

P. P. Starr of Gainesville, Cooke County (reappointment),

O. E. Wolfe of Big Spring, Howard County (reappointment),

R. L. Rhea of San Antonio, Bexar County,

Have had same under consideration and do recommend that they be in all things confirmed.

SHIVERS, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be members of the Board of Commissioners of Pilots for the Sabine Pass (term beginning April 29, 1939):

W. W. Glass, Port Arthur, Jefferson County,

S. O. Latimer, Port Arthur, Jefferson County,

T. T. Hunt, Beaumont, Jefferson County,

J. P. Monaghan, Beaumont, Jefferson County,

L. W. Hustmyre, Orange, Orange County,

Have had same under consideration, and do recommend that they be in all things confirmed.

SHIVERS, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nominations:

To be Members of the Board of Commissioners of Pilots for the Port of Galveston-Texas City (terms beginning April 15, 1939):

Robert I. Cohen, Galveston, Galveston County;

Peter M. Gengler, Galveston, Galveston County;

A. W. Purdy, Galveston, Galveston County;

L. H. Langben, Galveston, Galveston County;

E. V. Rhodes, Texas City, Galveston County.

To be Branch Pilots for the Port of Galveston-Texas City (terms beginning April 15, 1939):

V. C. Amburn, Galveston, Galveston County;

J. J. Dalehite, Galveston, Galveston County;

W. A. Leech, Galveston, Galveston County;

Ralph Willoughby, Galveston, Galveston County;

A. M. Carlson, Galveston, Galveston County;

H. H. Haden, Galveston, Galveston County;

H. D. Wetmore, Galveston, Galveston County;

E. E. Lance, Galveston, Galveston County;

T. N. Wilroy, Galveston, Galveston County;

E. C. Goodwin, Galveston, Galveston County.

Have had same under consideration and do recommend that they be in all things confirmed.

SHIVERS, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom were referred the following nominations:

To be Members of the State Board of Nurse Examiners (terms beginning April 9, 1939):

Mrs. Buris W. Juenger of Houston, Harris County (reappointment);

Miss Lena Baker Thomas of Greenville, Hunt County (reappointment).

Have had same under consideration and do recommend that they be in all things confirmed.

SHIVERS, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Nominations by the Governor, to whom was referred the following nomination:

To be Rio Grande Compact Commissioner (two-year term from date of qualifying):

Julian Harrison of El Paso, El Paso County.

Have had same under consideration and do recommend that he be in all things confirmed.

SHIVERS, Chairman.

The President Pro Tempore called the Senate to order, as in legislative session, at 3:40 o'clock p. m.

(Senator Shivers in the Chair.)

**Senate Bill 54 with House Amendments.**

Senator Metcalfe called up S. B. No. 54 from the President's table, for consideration of the House amendments.

The President laid the bill before the Senate and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—29

Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Winfield
Moffett	

Nays—1

Aikin

Absent—Excused

Weinert

**House Bill 256 on Second Reading**

Senator Roberts moved that the regular order of business be suspended, to take up H. B. No. 256 at this time, on its second reading and passage to third reading.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Beck	Metcalfe
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Van Zandt
Lemens	

Nays—2

Spears	Stone
	of Washington

Absent

Sulak	Winfield
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Absent—Excused

Weinert

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 256, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Reformatory Institutions of the State of Texas for the two-year period beginning September 1, 1939, and ending August 31, 1941, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations and declaring an emergency."

The bill was read second time.

Senator Roberts offered an amendment to the bill:

On motion of Senator Roberts and by unanimous consent a full reading of the amendment was dispensed with and it was ordered not printed in the Journal (since the text of the amendment is the same as the text of S. B. No. 405, which has been printed).

The amendment was adopted.

Senator Burns offered the following amendment to the bill as amended:

Amend H. B. No. 256 by adding a new paragraph to read as follows:

"There is hereby appropriated the sum of Seventy-five Thousand Dollars (\$75,000.00) out of the State Treasury, not otherwise appropriated, to the Texas Prison System for the purpose of erecting, constructing, and equipping on the Wynne State Prison Farm or at the Walls at Huntsville a prison criminal psychopathic hospital to house and confine the criminal insane that are now in the State Hospitals of the State of Texas. Said hospital shall be built by the Texas Prison System with prison labor and prison manufactured materials, and no architect fees shall be charged."

(Senator Small in the Chair.)

Senator Roberts moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—9

Beck	Small
Martin	Spears
Moffett	Stone
Nelson	of Galveston
Roberts	Van Zandt

Nays—18

Aikin	Kelley
Brownlee	Lanning
Burns	Pace
Collie	Redditt
Cotten	Shivers
Graves	Stone
Hardin	of Washington
Head	Sulak
Hill	Winfield
Isbell	

Absent

Lemens	Moore
Metcalfe	

Absent—Excused

Weinert

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 256, as amended, by inserting in line 48, page 18, the following: "\$1,620.00 for year ending August 31, 1940".

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 256 as substituted by striking out all of line 47 on page 32 and substituting in lieu thereof the following: "Texas School for the Blind".

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 256 as substituted by inserting between lines 30 and 31 on page 34 a new item to read as follows: "For a Hospital Building, \$50,000.00 for the year ending August 31, 1940", and change the totals to conform.

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 256 as amended, page 9, line 25, item 12, by striking out the figures "\$1,200.00" listed for each year and substituting therefor the following: "\$1,320.00" for each year, and change the totals to conform to this amendment.

The amendment was adopted.

Senator Nelson offered the following amendments to the bill:

(1)

Amend H. B. No. 256 as amended, page 9, line 50, item 34, by striking out the figures "\$975.00" listed therefor for each year and substituting the following: "\$1,050.00" for each year, and change the totals to conform to this amendment.

(2)

Amend H. B. No. 256 as amended, page 9, line 55, item 39, by striking out the figures "\$660.00" listed therefor for each year, and substituting therefor the following: "\$720.00" for each year, and change the totals for the appropriation for the Big Spring State Hospital to conform to this amendment.

The amendments were adopted severally.

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 256 by adding a new section to read as follows: "There is hereby appropriated out of general funds in the State Treasury not other-

wise appropriated, the sum of \$950,000.00 for the construction of the East Texas State Hospital for Insane as authorized in the Act creating said hospital. Said sum is appropriated for the use of the Board of Control in constructing said hospital in accordance with said Act."

The amendment was adopted by the following vote:

## Yeas—16

Aikin	Martin
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Shivers
Graves	Stone
Hardin	of Galveston
Kelley	Winfield
Lanning	

## Nays—7

Hill	Roberts
Isbell	Small
Metcalf	Spears
Moffett	Van Zandt

## Absent

Head	Stone
Lemens	of Washington
	Sulak

## Absent—Excused

Weinert

## Paired

Senator Beck (present), who would vote "nay" with Senator Moore (absent), who would vote "yea".

(Senator Shivers in the Chair.)

Senator Hardin offered the following amendment to the bill:

Amend H. B. 256 as amended page 30, line 27, by striking out \$4,500.00 and inserting \$12,500.00 and amending total to conform.

The amendment was adopted.

Senator Cotten offered the following amendment to the bill:

Amend H. B. No. 256, page 26 of the printed bill, by inserting the following between lines 22 and 23:

Purchase of land, sheds, cows, milk, and other expense of eradicating Bang's disease; may be supplemented from local funds if necessary \$16,000.00 ....

Senator Roberts moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—14

Aikin	Roberts
Beck	Small
Collie	Spears
Kelley	Stone
Martin	of Galveston
Metcalf	Van Zandt
Moffett	Winfield
Nelson	

## Nays—12

Brownlee	Hill
Burns	Isbell
Cotten	Lanning
Graves	Pace
Hardin	Redditt
Head	Shivers

## Absent

Lemens	Stone
Moore	of Washington
	Sulak

## Absent—Excused

Weinert

Senator Moffett offered the following amendment to the bill:

Amend substitute for H. B. No. 256 by striking out line 61, page 31, and inserting in lieu thereof the following:

Stenographers, at \$60.00 per month . . . . . \$1,440.00 \$1,440.00

Senator Spears moved the previous question on the amendment and the passage of the bill to third reading, and the motion was not seconded.

Question recurring on the amendment, it was lost.

The bill was passed to third reading.

## House Bill 256 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelly	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Winfield

## Absent—Excused

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 640 by a vote of 116 yeas and 7 nays.

The House has passed the following bill:

S. B. No. 268, A bill to be entitled "An Act to amend Article 545, Section 2, Chapter 9, Revised Civil Statutes of the State of Texas, 1925, and to add a new article to Article 548 to be hereinafter known as Article 548a; repealing all laws in conflict herewith, and declaring an emergency."

The House has refused to concur in Senate amendments to H. B. No. 92 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Johnson of Tarrant, Hull, McDonald, Wood, Reader of Frath.

The House has passed the following bills:

S. B. No. 57, A bill to be entitled "An Act amending Article 2237 of the Revised Statutes by dispensing with bills of exception to action on written motions, and declaring an emergency."

S. B. No. 86, A bill to be entitled "An Act declaring and designating the Brazoria County coast line a State Park and dedicating it to the general public for use as a Texas State Park."

S. B. No. 283, A bill to be entitled "An Act to amend Chapter 196, Revised Civil Statutes of 1925, Acts of the Forty-third Legislature, 1933, by adding a new section thereto to be designated as Section 4a and providing that the governing board of several institutions, supported in whole or in part by the State Treasury, shall cause to be collected from students registering in said schools, additional tuition for instruction in the Fine Arts Departments, Schools, or Colleges with certain exceptions, and declaring an emergency." (With amendments.)

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

## Message from the Governor

A Secretary of the Governor was announced by the Doorkeeper and was recognized by the Presiding Officer to present the following messages:

Austin, Texas,  
April 20, 1939.

To the Members of the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be members of the State Board of Medical Examiners (terms beginning April 13, 1939):

Dr. Charles S. Carter of Bells, Grayson County (reappointment),

Dr. C. M. Phillips of Levelland, Hockley County,

Dr. T. J. Crow of Dallas, Dallas County,

Dr. Everett W. Wilson of San Antonio, Bexar County.

Respectfully submitted,

W. LEE O'DANIEL,  
Governor of Texas.

Austin, Texas,  
April 24, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I ask the advice, consent and con-  
firmation of the Senate on the fol-  
lowing appointments:

To be members of the Texas Prison  
Board (terms beginning June 16,  
1939):

E. L. Kurth of Lufkin Angelina  
County (replacing W. R. Dulaney).  
Walter Dillard of New Braunfels,  
Comal County (replacing W. A. Boy-  
ette).

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

The messages were read and re-  
ferred to the Committee on Nomina-  
tions of the Governor.

#### Night Session to Consider Local and Non-Contested Bills

Senator Head moved that the Sen-  
ate hold a session tomorrow at 7:30  
o'clock p. m., to consider local and  
non-contested bills in accordance with  
Senate Resolutions 47 and 51, previ-  
ously adopted.

Senator Cotten moved as a substi-  
tute that the session be held Monday  
night at 7:30 o'clock p. m., instead  
of tomorrow night.

The substitute was adopted.

The motion as substituted was  
adopted.

#### Senate Bill on First Reading

Senator Hill moved that the rule  
relative to the introduction of bills  
after the first 60 days of the Regular  
Session of the Legislature be sus-  
pended to permit his introducing a  
bill at this time.

The motion prevailed by the fol-  
lowing vote:

Yeas—30

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Metcalf
Graves	Moffett
Hardin	Moore
Head	Nelson
Hill	Pace

Redditt  
Roberts  
Shivers  
Small  
Spears  
Stone  
of Galveston

Stone  
of Washington  
Sulak  
Van Zandt  
Winfield

Absent—Excused

Weinert

The following bill then was intro-  
duced, read first time, and referred  
to the committee indicated:

By Senator Hill:

S. B. No. 446, A bill to be entitled  
"An Act repealing House Bill No.  
558 passed by the Forty-sixth Legis-  
lature of the State of Texas and  
making an emergency appropriation  
out of the General Revenue of the  
State of Texas for the Secretary of  
State, for the purpose of compiling,  
editing, indexing, binding and dis-  
tributing the current laws; making  
same immediately available; and de-  
claring an emergency."

Referred to Committee on Finance.

#### Bill Signed

The President signed in the pres-  
ence of the Senate, after its caption  
had been read, the following enrolled  
bill:

H. B. No. 640, "An Act providing  
that the Supreme Court may grant  
certain attorneys who have practiced  
law in a State of the United States  
for a period of 20 years and hold a  
license to practice law before the  
Supreme Court of the United States  
a license to practice in the State with-  
out taking the bar examinations, etc.,  
and declaring an emergency."

#### Reports of Standing Committee

Senator Van Zandt, by unanimous  
consent, submitted at this time the  
following report of the Committee on  
Civil Jurisprudence:

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: We, your Committee on Civil  
Jurisprudence, to whom was referred

H. B. No. 28, A bill to be entitled  
"An Act amending Article 1839, Re-  
vised Civil Statutes of Texas, 1925,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 833, A bill to be entitled "An Act to authorize cities to adopt ordinances relating to the repair and closing of dwellings unfit for human habitation; to provide for the remedies and procedure in connection with action taken under such ordinances; defining terms; providing the Act shall not be construed to interfere with powers of cities with reference to nuisances or with powers of Courts or any department of any city to enforce its charter or ordinances; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 832, A bill to be entitled "An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations, and undertakings of such housing authorities, and all proceedings, acts, and things heretofore undertaken, performed or done with reference thereto; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 124, A bill to be entitled "An Act amending Subdivision 23, Article 1995, Chapter 1, Title 42, Revised Civil Statutes of Texas of 1925, of the general venue Statute, which Subdivision heretofore has made exception to the general rule of venue so as to make it possible under given conditions to institute suits in counties other than the domicile of corporations and associations, but is here amended so as to include in the exception to the general rule co-partnerships, of whatever nature, but without otherwise altering Subdivision 23 of the said Article 1995; fixing the venue against corporations, associations, and co-partnerships; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 614, A bill to be entitled "An Act amending Sections 14 and 18 of Chapter 41 of the Acts of the Fortieth Legislature, First Called Session, so as to provide for the filing of the birth record of an adopted child in the local registrar's office; and providing for a change in the birth record of a child when that child is legitimized by the marriage of its mother; and so as to provide for the registration of a birth or death that has not previously been registered; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 829, A bill to be entitled



"An Act validating the action of corporate cities, towns, or villages in counties having a population of more than forty-six thousand, one hundred (46,100) and less than forty-six thousand, two hundred (46,200) which have attempted to accept the provisions of Title 28 of the Revised Civil Statutes of Texas of 1925, and giving said cities, towns, or villages all the powers of cities and towns as provided in said Title 28; validating all corporate actions taken by such cities and towns and villages after the passage of the ordinance or resolution accepting the benefits of said Title; validating all proceedings heretofore had by the governing bodies of all cities and towns in the State of Texas in the issuance and sale of bonds to aid in financing any project and/or projects for which loan or grant has been made or applied for to the United States through the Federal Emergency Administrator of Public Works or any Agency, department, or division of the Government of the United States of America; validating all tax levies to be used in the refunding of said obligations; exempting all pending litigations; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 798, A bill to be entitled "An Act amending Article 1728 of the Revised Civil Statutes of Texas, 1925, with respect to appellate jurisdiction of the Supreme Court; regulating the form of the order of the Court in respect to the granting, refusing, or dismissing the application for writ of error; repealing all laws and parts of laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 106, A bill to be entitled "An Act defining publication, newspaper, political subdivision, district and certain mandatory expressions; designating persons to select newspapers in which publications are to be inserted; fixing a minimum and a maximum charge for publications in newspapers; providing for the publication of notices, proclamations, advertising, and citations in newspapers; repealing conflicting provisions of Articles 3, 29, 1154, 3311, 3334, 3808, 4204, 7206, 7276, 7342 and 7624 of the Revised Civil Statutes, of Article 4115 of the Revised Civil Statutes as amended by Acts of 1935, Forty-fourth Legislature, Chapter 254, Section 1, of Acts of 1925, Thirty-ninth Legislature, Chapter 161, Sections 2 through 6, of Acts of 1933, Forty-third Legislature, First Called Session, Chapter 84, Section 1, and of Acts of 1937, Forty-fifth Legislature, Chapter 506; repealing all parts of laws in conflict; providing a rule of construction; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 31, A bill to be entitled "An Act amending Article 3370, Revised Civil Statutes of Texas, 1925,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 29, A bill to be entitled "An Act amending Article 2246, Revised Civil Statutes of Texas, 1925,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
April 26, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 27, A bill to be entitled "An Act amending Chapter 44, Page 67, Acts of Fortieth Legislature of the State of Texas, passed in 1927,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

VAN ZANDT, Chairman.

#### Adjournment

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Spears moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

The motion to adjourn prevailed; and the Senate, accordingly, at 5:05 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

#### FIFTY-NINTH DAY

(Thursday, April 27, 1939)

The Senate met at 10:00 o'clock, a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Hill
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalf
Hardin	Moffett
Head	Moore

Nelson  
Pace  
Redditt  
Roberts  
Shivers  
Small  
Spears

Stone  
of Galveston  
Stone  
of Washington  
Sulak  
Van Zandt  
Winfield

Absent—Excused

Weinert

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Senate Concurrent Resolution 41

Senator Pace offered the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the Senate and House relative to consideration of Senate bills on House days be suspended for April 27th in order that the Senate may work on Senate bills as well as House bills if the Senate so desires.

The resolution was read.

Yeas and nays were demanded, and the resolution was lost by the following vote:

Yeas—12

Beck	Pace
Brownlee	Redditt
Burns	Stone
Cotten	of Washington
Martin	Van Zandt
Moffett	Winfield
Moore	

Nays—12

Aikin	Metcalf
Graves	Nelson
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	

Absent

Collie	Roberts
Hardin	Shivers
Head	Sulak

Absent—Excused

Weinert